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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,243	06/26/2003	Tetsuo Hasegawa	04329.3080	4233
22852 7590 06/15/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER HARPER, LEON JONATHAN	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 06/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/606,243		HASEGAWA ET AL.	
	Examiner		Art Unit	
	Leon J. Harper		2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/26/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed 3/27/2007 has been entered. Claims 1-3,6-8,11 have been amended. No claims have been added or cancelled. Accordingly, claims 1-15 are pending in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 6-8, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003 0065774 (hereinafter Steiner) in view of US 6625595 (hereinafter Anderson).

2. As for claim 1, Steiner discloses: a search unit configured to, when receiving from an agent a search request to search for a desired information service from a plurality of information services existing on a network, search a registry in which said plurality of information services are registered in such a manner that said plurality of information services correspond to information items and item values corresponding to the contents of each service (See paragraph [0027] and table 2 agent =requestor, database of resources are maintained by the resource broker); and search condition item extracting means for extracting at least one of an information item related to the information service retrieved by the search unit and a value of the information item, from the registry and notifying the agent of at least one of the information item extracted as a re-search request and the value extracted, together with the result of the search made by the search unit (See paragraphs 0039-0041). While Steiner does not differ substantially from the claimed invention, the disclosure of wherein the search unit outputs the result of the search to the search condition item extracting means when the result of the search specifies a larger number of information services than a specified number of information services is not necessarily explicit. Anderson however does disclose wherein the search unit outputs the result of the search to the search condition item extracting means when the result of the search specifies a larger number of information services than a specified number of information services (See column 3 lines 8-15). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time of the invention to have incorporated the teaching of Anderson into the system of Steiner. The modification would have been obvious because too many results

are often not helpful to a user and can often confuse the user, likewise too few results are not helpful and can result in frustration to the user, therefore it makes sense to specify a number or range for the number of results and allow variances (i.e. more or less) based on whether the system prefers to error on the side of more or less results.

As for claim 2, the rejection of claim 1 is incorporated, and further Steiner discloses: wherein the search apparatus condition item extracting means classifies, common category, at least one of the information item names and the item values related to the information service retrieved by the search unit and notifies the agent of the result (See paragraphs 0041 and 0076).

As for claim 3, the rejection of claim 2 is incorporated, and further Steiner discloses: wherein the search condition item extracting means uses ontology trees to classify, by common category, the information item names and/or item values related to the information service retrieved by the search unit (See table 3 and paragraph 0088 note that Resource Description is a category name and List of resources has properties of each resources, also note paragraph 0086).

3. Claims 6-8 are information service support claims corresponding to information service search support claims 1-3 respectively, and are thus rejected for the same reasons set forth in the rejection of claims 1-3.

Claims 11-13 are information service search method claims corresponding to information service search support claims 1-3 respectively, and are thus rejected for the same reasons set forth in the rejection of claims 1-3.

Claims 4,5,9,10,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner and Anderson as applied to claim 2 above, and further in view of US 6327590 (hereinafter Chidlovskii).

4. As for claim 4, the rejection of claim 2 is incorporated, and further Steiner differs from the claimed invention in that Steiner does not explicitly disclose: wherein the search condition item extracting means classifies, by the frequency of appearance, the information item names and/or item values classified by category and notifies the agent of the result. Chidlovskii however does disclose the search condition item extracting means classifies, by the frequency of appearance, the information item names and/or item values classified by category and notifies the agent of the result (See column 1 lines 41-44). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated and teaching of Chidlovskii into the system of Steiner. The modification would have been obvious because the more an information item name appears; the assumption is the more vital that item is to the operations of the provider. This statement is not one of conclusion. An artisan skilled in the art must use the phrase the assumption is or something similar because frequency

of appearance is not the most accurate method of classification but is nevertheless implemented because it is one of the easiest, with both heap and bubble sort having modifications that use a frequency sort

As for claim 5, the rejection of claim 4 is incorporated, and further Steiner differs from the claimed invention in that the search condition item extracting means determines the qualification as a search condition item of each of the information item names and/or item values classified by the frequency of appearance for a search condition, on the basis of its frequency of appearance and notifies the agent of the result is not explicitly indicated. Chidlovskii however does disclose: wherein the search condition item extracting means determines the qualification as a search condition item of each of the information item names and/or item values classified by the frequency of appearance for a search condition, on the basis of its frequency of appearance and notifies the agent of the result (See column 9 lines 46-51). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Chidlovskii into the system of Steiner. The modification would have been obvious because the more an information item name appears; the assumption is the more vital that item is to the operations of the provider.

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Claims 9 and 10 are information service support claims corresponding to information service search support claims 4 and 5 respectively, and are thus rejected for the same reasons set forth in the rejection of claims 4 and 5.

Claims 14 and 15 are information service search method claims corresponding to information service search support claims 4 and 5 respectively, and are thus rejected for the same reasons set forth in the rejection of claims 4 and 5.

Response to Arguments

Applicant's arguments filed 3/27/2007 have been fully considered but they are not persuasive.

Applicant argues:

Neither Steiner nor Anderson nor their combination teach or suggest search condition item extracting means for extracting at least one of an information item and a value of the information item. The examiner apparently characterizes the search broker of Steiner as corresponding to the claimed search condition item extracting means. However, the search broker determines candidate resource providers. Accordingly, the output of the search broker of Steiner is resource providers not the search results. In fact in Steiner the resource providers deliver the search results directly to the original requester.

Examiner responds:

Examiner is not persuaded. While applicant is correct in his characterization of the search broker, the search broker is used to find resource providers. Resource providers however do receive the query (See paragraph 0040) and the original resource requestor also receives the search results from the resource providers) (See paragraph

0041). Therefore we have resource providers extracting information items and values based on the query forwarded by the search broker.

Applicant argues:

Steiner fails to teach or suggest "the search condition item extracting means classifies by common category... the information item names as recited in claim 2. The examiner argues that paragraphs 0041 and 0076 of Steiner teach the above quoted element of claim 2. Applicants respectfully disagree. The cited portions of Steiner teach classifying resource providers together based on same resource description.

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In the case of claim 2 and claim 1 resource providers could be considered information items. Moreover even if information item is read to exclude the resource providers (which it is not) then the classification of the resource providers by description

as in table 3 automatically results in the classification of the results that come from the resource provider.

Applicant argues:

Steiner fails to teach or suggest "the search condition item extracting means uses ontology trees to classify by common category,... the information item names" as recited in claim 3. As discussed above, because "the search condition item extracting means uses ontology trees to classify by common category,... the information item names," descriptions such as "Travel", "Trip", and "Tour" would be categorized into one common category. However in Table 3 of Steiner, it may be impossible to make "Trip or Tour correspond to Resource Provider 003 and Resource Provider 004 which provide services related to travel.

Examiner responds:

Examiner is not persuaded. Applicant has not quoted the most important aspect of claim 3 which is "at least one of the information item names and the item values related to Therefore the category of Travel in table 3 is enough to satisfy claim 3, and whether or not "Trip" or "Tour" could be added is irrelevant.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
June 8, 2007


Mohammad Ali,
Primary Examiner